is must be the result of severe and con-
rather than of artificial forcing. . . . In
t are purely social we can be separate
yet one as the hand in all things essen-
progress."

:V. G. T. GILLESPIE, D.D.

Gillespie, author of the above state-
ive Mississippian. He received his edu-
ublic schools of Mississippi, the Univer-
sippi, where he received the B.A. d
at Union Theological Seminary in Vi-
e received the B.D. degree in 1911, and
-graduate work at Columbia Univer-
ionored with the D.D. degree by South-
28. He has served as Presbyterian Min-
oma and Mississippi, and is reconized
outstanding leaders in the Southern
Church. For thirty-three years he served
nt of Belhaven College, retiring in 1954
of President Emeritus.

leadership Belhaven College achieved
ss along all lines and came to be rec-
e of the best small liberal arts colleges
For many years Dr. Gillespie has been
civic, educational and religious organ-
ie has been widely commended for his
courageous stand on public questions,
for his fair-minded and charitable atti-
hose who differ with him.

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A LAWYER CHALLENGES THE U. S. SUPREME COURT

★

Reprint of an Address

By

HUGH V. WALL

Lawyer
Banker
Tree Farmer
Brookhaven, Mississippi

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Made Before the
Mississippi State Bar Association
Edgewater Gulf Hotel
Edgewater Park, Mississippi
June 23, 1955

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A STATEMENT

CHALLENGING THE AUTHORITY OF THE UNITED STATES SUPREME COURT TO CHANGE OUR FORM OF GOVERNMENT

By HUGH V. WALL

Attorney, Banker, and Tree Farmer

Brookhaven, Mississippi

Mr. President, Distinguished Guests, Ladies and Gentlemen of the Mississippi Bar:

On May 17, 1954 the form of our government was changed, not by the people as provided by the Constitution but by the order of nine men, none of whom were elected by the people. For more than 160 years the United States of America has been considered by our people and known to the civilized world as a government by the people. This historic and sacred right was taken away from the people by nine men, and without any authority from them changed the form of our government from that of a government by the people to that of a government by the Supreme Court of the United States.

We challenge the authority of the Court to change the form of our government and I know of no class better qualified to make this challenge than the lawyers of Mississippi and I know of no better place to begin this fight than the Mississippi Bar Association.

Since the beginning of our great government, more than 160 years ago, the lawyers have taken the lead in shaping the destiny of this nation. It was lawyers who wrote the Constitution of the United States, a model for free people everywhere.

At the very outset of our government it was realized by men of vision, largely the best lawyers in the country, that the powers of the government should not be entrusted to one group. Therefore, the Constitution provided that the powers of our government should be divided into three branches, the Legislative, the Executive and the Judicial, and that these three branches should be free and independent of each other. This was wisely provided for the obvious reason of preventing dictatorship. The independence of each of these three branches of our government was recognized by the people as being vital to their liberty.

Our federal government is a union of sovereign states, with specifically entrusted powers delegated to the government by the states. The several states were to deal with the problems of their people, while the federal government was to deal with the problems of the states.

The Constitution does not confer legislative power upon the Supreme Court. Notwithstanding it is specifically prohibited, the Court in the segregation cases before it assumed that it had the right and power to take over the legislative branch of our government and assumed that nine men were better qualified than the parents of the children, or the local community, or the state to say how our public schools should be run. With no regard for constitutional government they usurped the most sacred right that is guaranteed our people, the right to

educate our own children in our own way in our own schools but assumed that they had the legal and constitutional right to say to the people of the different states:

> "You cannot run your schools as you see proper. You must operate your schools like we tell you to do it, you must mix the races in your schools, regardless of the laws in the States or the Constitutions of the States or the wishes of the people."

It is obvious to all lawyers and all intelligent people who have made an investigation that the question of segregation of the races in our schools belongs to the legislative branch of our government.

The Fourteenth Amendment does not empower the Supreme Court to enforce its provisions, it specifically charges the Congress with this responsibility. Yet, the Court for political reasons, in violation of the Fourteenth Amendment, took over the legislative branch of our government and began a legislative program.

There are some people so ill-advised they appear to think there is something sacred about a court decision, so much so that they feel they should follow such a decision regardless of whether it is constitutional or not. I do not belong to that group. If we people of the United States permit, and the lawyers of the United States do not protest the usurpation of power by the Supreme Court of the United States as was done on May 17, 1954, that court would be justified in abolishing Congress, because if it can take one part of the legislative branch away from Congress, by the same token it could take it all, and set itself up as a dictator. And by the same token, the Supreme Court could take over the Executive Department and its dictation would be supreme. No right thinking person in the United States would stand for such dictation as that. No, we do not have to accept this decision. If Jefferson had been President when the Supreme Court of the United States on May 17, 1954 rendered its decision, he would have refused to enforce it, because he would have said: 59 decisions of the highest courts of the States, 13 decisions of lower federal courts and 5 decisions of the Supreme Court of the United States, 17 State Legislatures, 17 State Attorney Generals all had said that segregation of the races in the schools was constitutional and did not violate the Fourteenth Amendment of the Constitution. Therefore, Thomas Jefferson as President would have said to the Supreme Court:

> "Under my oath I will refuse to enforce that decision," and would state to the Supreme Court:
>
> "Governments long established should not be changed for light and transient causes."

Thomas Jefferson in all probability had in his mind the action of the Supreme Court of the United States in the segregation cases when he said:

> "That anyone who could devise a constitution which would prevent the judiciary from usurping legislative functions would go down in history as blessed by all of the races of mankind. The overruling of basic and ancient institutions of the States should be accomplished by constitutional amendment and not by judges who are indebted to their parties and seek to advance party interests."

As President of the United States Thomas Jefferson would have refused to enforce the decision of the Supreme Court of the United States in the segregation cases for the reason that the Court had changed the form of our government by its own order in violation of the plan provided by the constitution itself.

If Andrew Jackson had been President, he would have said:

> "In order to uphold my oath of office, I will refuse to enforce this unconstitutional act of the Court. Now you have rendered your decision, let me see you enforce it."

THE DUTY OF LAWYERS

It is my conception that all lawyers owe the duty to the people that when their constitutional rights are in danger to take over and see to it that the rights of the people are protected and their constitution is not destroyed, and believing as I do that we are facing a crisis, we are undertaking to place the responsibility upon the lawyers where we think it properly belongs; to take the lead to save our constitutional form of government, to save our civilization, and save the white race, believing that they will measure up to this responsible task.

After the Court had rendered its opinion, it apparently became confused when it undertook to write a decree or order agreeable to its holding. Finding itself in this confused condition, it called for help to write its order. The Attorney Generals of 17 states were requested by the Court to advise and assist the Court in writing an order, and almost a year after that decision of the court was rendered, it set April 11, 1955 to hear these Attorney Generals as to what kind of an order the court could enter. We looked, we listened, and we read the account of this unprecedented procedure and from the questions asked by the judges to these attorney generals in the course of these arguments, we were impressed that the court was not looking for advice or counsel,

they were looking for somebody to agree with them and after listening to and reading the account of this procedure, the court must have been disappointed because not a single lawyer, including the lawyers for the United States Government and the negroes, suggested any order to the court that could be enforced. The Court finally adopted an order reversing and remanding the cases and shifted the responsibility to the lower federal courts to write the order.

It soon became apparent that no order of the Supreme Court could be written that could be enforced without changing the form of our government. The Courts have no power to levy taxes and build schools. No court has the power to say to the state legislatures what they shall do and what they shall not do about our schools. Those who would destroy our constitution and destroy our form of government, finding themselves in the strange predicament of having a Supreme Court decision that was based upon the unreasonable foundation of psychology, sociology and anthropology and being convinced that such decisions could not be enforced without changing the form of our government, the interested parties set themselves to the task of trying to force this political decision upon the people by propaganda; and the lawyers are peculiarly qualified to take the lead in answering this propaganda; in trying to force the State Legislatures by public sentiment, to adopt the decision of the Supreme Court in these segregation cases.

There is involved in this segregation of the races in our public schools, a deliberate plan on the part of the Communists to destroy our form of government. The Communist Party Convention in 1928 adopted a platform and among other things it advocated:

1. The abolition of the whole system of race discrimination. Full racial equality.
2. Abolition of all laws which resulted in segregation of negroes, abolition of all "Jim-Crow" laws.
3. Abolition of all laws which disfranchises negroes on the ground of color.
4. Abolition of laws preventing inter-marriage of persons of different races.
5. Abolition of all laws and public administration measures which prohibit or in practice prohibit negro children or youth from attending general public schools or universities.
6. The Army and Navy Departments should abolish all "Jim-Crow" distinctions in the Army and Navy.

These are some of the measures advocated by the Communists in the United States in 1928 for the

purpose of over-throwing our government and establishing a communistic government in this country, and it is a strange coincidence indeed that following this political doctrine of the Communists as advocated and announced in its platform of 1928, we find the Supreme Court of the United States outlawing segregation of the races in the public schools just as advocated by the Communist Party in this platform of 1928; and further than that, we find the Supreme Court of the United States planting its decision not upon law or precedent, as has been the unbroken custom in this country for more than 150 years, but find the court placing its decision upon the testimony of nine psychologists some of whom do not live in this country, and all of whom have a communist background. A strange coincidence, indeed, that our Supreme Court would find itself in company with communists, and strange that we find our Supreme Court following so closely the communists' party platform of 1928.

The false propaganda that is going about appears to be financed by untold millions. It is strange the position that some people are taking as reported in the press. These people seem to be terribly disturbed and frequently quote from the Supreme Court decision wherein it stated:

> "To separate them (meaning the negro children) from others of similar age and qualifications solely because of race generates a feeling of inferiority as to their status in the community that may effect their hearts and minds in a way unlikely ever to be undone."

Not one word does the Court say about what effect mixing the races would have upon the hearts and minds of white children. These people, who endorse the court decision are so disturbed about segregation of the races affecting the hearts and minds of the negro children, that they appear to forget that white children have a heart and mind that will be affected in a way unlikely ever to be undone, and they forget that the mixing of the races in the public schools would inevitably mean the mixing of the blood and the mixing of the blood would mean a destruction of both the white race and the negro race. Then the question is, are we more interested in the hearts and minds of the negro children than we are in the perpetuation of the purity of each race, and the life of the white race? The blood once mixed is mixed forever; it is never unmixed.

> "The moving finger writes; and, having writ, moves on: Nor all your piety nor wit shall lure it back to cancel half a line, nor all your tears wash out a word of it."

Daniel Webster, a great statesman and a great American, expressed a great truth and an undisputable fact when he said:

> "If our buildings, our highways, our railroads should be wrecked, we could rebuild them; if our cities should be destroyed, out of the very ruins, we could erect newer and greater ones; even if our armed might would be crushed we could rear sons who would redeem power, but if the blood of our white race should become corrupted and mingled with the blood of Africa, then the present greatness of the United States of America would be destroyed and all hope for the future would be forever gone. The maintenance of the American civilization would be as impossible for a negroid America as would the redemption and restoration of the white man's blood which had been mixed with that of a negro."

STOP, LOOK, LISTEN, THINK AND ACT BEFORE IT IS TOO LATE!

HUGH V. WALL

Born, reared and educated in Mississippi; B.S. degree from Gillsburg College, a chartered institution; attended Southwestern Baptist University, Jackson, Tennessee; graduate of Ole Miss School of Law, LLB; worked and paid my way through college and universities. Taught school in the public schools of Amite County, Mississippi.

Practiced law in the State and Federal Courts, including the Supreme Court of the United States; member of the County, State and American Bar Associations; District Attorney of the Fourteenth Judicial District for 12 years; chairman of the Board of Directors of the State Bank & Trust Company, Brookhaven, Mississippi. Tree farmer of forty years experience, owning several hundred acres, principally pine timber.

A Democrat, member of the Democratic Advisory Council of the State of Mississippi appointed by the National Democratic Committee.

A Baptist, a Mason, Knights Templar and Shriner.

Married Miss Ethel Pitts, daughter of Dr. A. B. Pitts; have one child, Mrs. Valerie Wall Campbell.

"We've Reach Era of Judici Tyranny"

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An Address by

SENATOR JAMES O. EAST
OF MISSISSIPPI

Before the

STATEWIDE CONVENTI

of the

ASSOCIATION OF CITIZ
COUNCILS OF MISSISSI

HELD IN JACKSON
DECEMBER 1, 1955

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